

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
\$10,800 IN U.S. CURRENCY,
AND ANY ACCRUED INTEREST
Defendant.

CASE NO. CV20-1742

**VERIFIED COMPLAINT
FOR FORFEITURE *IN REM***

\$10,800 IN U.S. CURRENCY,
AND ANY ACCRUED INTEREST.

Defendant.

COMES NOW the United States, by and through its undersigned counsel, and alleges:

J. NATURE OF THE ACTION

1. This is a civil *in rem* action for the forfeiture of \$10,800 in U.S. currency seized by the United States Postal Inspection Service (“USPIS”) from U.S. Postal Service Priority Mail Parcel #9505 5148 4034 0148 6491 18 on June 4, 2020 in Tukwila, Washington (the “Defendant Currency”).

II. LEGAL BASIS FOR FORFEITURE

2. The Defendant Currency is forfeitable pursuant to 21 U.S.C. § 881(a)(6) for violations of 21 U.S.C. §§ 841(a)(1) (distribution of controlled substances) and 846 (attempt or conspiracy to distribute controlled substances). Specifically, counsel for the

1 United States has a reasonable belief the government will be able to prove, to a
 2 preponderance at trial, that the Defendant Currency represents proceeds from the sale of
 3 controlled substances and/or moneys furnished for the purchase of controlled substances.

4 III. JURISDICTION AND VENUE

5 3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1345
 6 (United States is plaintiff) and 1335(a) (action for forfeiture).

7 4. Venue is proper in this Court pursuant to 28 U.S.C. § 1335(b)(1)(A) (acts
 8 giving rise to the forfeiture occurred in this district).

9 5. Pursuant to a seizure warrant issued in Western District of Washington,
 10 Cause No. MJ20-309, and executed on June 4, 2020, the U.S. Postal Inspection Service
 11 took custody of the Defendant Currency, and it remains in that agency's custody.

12 6. As provided in Supplemental Rule G(3)(b)(i), the Clerk of Court is required
 13 to issue a warrant to arrest the Defendant Currency if it is in the government's possession,
 14 custody, or control. As such, the Court will have *in rem* jurisdiction over the Defendant
 15 Currency when the accompanying Warrant of Arrest *In Rem* is issued, executed, and
 16 returned to the Court.

17 IV. FACTUAL BASIS FOR FORFEITURE

18 7. On June 1, 2020, USPIS Postal Inspectors conducted interdiction
 19 operations targeting controlled substances and/or proceeds from the sale of and
 20 distribution of illegal drug activity. Part of the interdiction efforts were performed by
 21 searching databases of parcel information. These operations took place in many parts of
 22 the Washington State, including at the Seattle Processing and Distribution Center, located
 23 at 10700 27th Avenue South, located in Tukwila, Washington, 98168.

24 8. During the interdiction operations, U.S. Priority Mail parcel #9505 5148
 25 4034 0148 6491 18 ("the Parcel") was identified for further inspection.

26 9. The Parcel was a U.S. Postal Service Priority Mail box that measured
 27 approximately 5" x 14" x 8.5" and weighed approximately 1 pound, 13.3 ounces. It was
 28

1 postmarked May 27, 2020, in Largo, Florida and carried \$14.90 in postage. The delivery
 2 confirmation number is #9505 5148 4034 0148 6491 18.

3 10. The Parcel was addressed from N.W.B., 4462 Rural Avenue, Bellingham,
 4 Washington 98226 and addressed to A.L.B., 4462 Rural Avenue, Bellingham,
 5 Washington 98226. A photograph of the mailing label is included below.



11 11. Investigation revealed that 4462 Rural Avenue, Bellingham, Washington
 12 98226 is a true and deliverable address. Neither "N.W.B." nor "A.L.B." are names
 13 associated with this address in postal databases. An individual named Austin Layne
 14 Behnke is, however, associated with this address.

15 12. Investigation revealed that an individual named Nikolas Behnke is
 16 associated with an address in Largo, Florida.

17 13. Based on his training and experience, United States Postal Inspector Terry
 18 Stinson noted that this parcel bore multiple features that are consistent with the
 19 distribution of controlled substances and related proceeds.

1 ***External Features of the Parcel Consistent with Drug Trafficking***

2 14. Review of U.S. Postal Service database information revealed that the Parcel
 3 was mailed from Largo, Florida, but had a return address of Bellingham, Washington.
 4 Those who distribute controlled substances, or currency in payment for controlled
 5 substances, through the U.S. mail often provide erroneous, fictitious, and/or misleading
 6 information on mailing labels as a tactic to conceal their true identity and address from
 7 law enforcement.

8 15. Florida is a known destination state for marijuana parcels shipped from the
 9 source state of Washington. Florida is not a state in which possession of recreational
 10 marijuana is lawful. Proceeds from the sale and distribution of controlled substances
 11 received from Washington are often sent back from destination states as payment via the
 12 U.S. Mail system.

13 16. Review of U.S. Postal Service databases revealed that the mailer of the
 14 Parcel used cash to pay for the postage. Those who distribute controlled substances, or
 15 currency in payment for controlled substances, through the U.S. mail often pay for
 16 postage with cash because use of a debit or credit card may allow law enforcement to
 17 identify the shipper to a known address or provide other identifiers.

18 17. The mailing label of the Parcel was handwritten and appeared to have been
 19 sent from a private individual to another private individual. It did not appear to be
 20 business related. Those who distribute controlled substances, or currency in payment for
 21 controlled substances, through the U.S. mail often hand write mailing labels instead of
 22 using pre-printed labels, which is customary in business mailings.

23 18. There were no contact telephone numbers written on the mailing label
 24 attached to the Parcel, for either the sender or the recipient. Express and Priority Mail
 25 mailings are generally used for items or documents that the sender considers important,
 26 valuable, and/or time sensitive. It would be unusual not to include a contact telephone
 27 number in the event there was a problem with delivery of the parcel. Those who
 28 distribute controlled substances, or currency in payment for controlled substances,

1 through the U.S. mail often choose not to include telephone numbers – or provide
2 incorrect telephone numbers – on parcels, so as not to enable law enforcement to trace
3 their names or physical locations.

4 19. The Parcel was heavily taped. The entire surface area of the box, with the
5 exception of the areas covered with the address and mailing labels, was encased with
6 shipping tape. Those who distribute controlled substances, or currency in payment for
7 controlled substances, through the U.S. mail often use excessive tape on their parcels,
8 both in an effort to conceal any drug-related scent that might emanate from the parcel and
9 to make the parcel less susceptible to tampering. Photographs of the exterior of the
10 Parcel are included below.



1 ***Further Investigation***

2 20. Based on the information identified above, as well as his training and
 3 experience, Postal Inspector Stinson deemed there was reasonable suspicion to detain the
 4 parcel for further investigation.

5 21. Postal Inspectors requested the assistance of Task Force Officer (“TFO”)
 6 James Sturgill and his certified controlled substance detection K-9 partner, “Apollo.”
 7 Apollo is a passive alert canine and is trained to give a “sit response” after having
 8 identified the specific location from which the odor of a controlled substance is emitting.
 9 Apollo is trained to detect the presence of marijuana, heroin, methamphetamine, and
 10 cocaine; he cannot communicate which of these substances he has detected.

11 22. After an initial search of a warehouse area in the Tukwila facility, Apollo
 12 did not alert on any items or areas. Postal Inspectors then placed the Parcel in an out-of-
 13 sight location in the warehouse area, out of the view of TFO Sturgill and Apollo. During
 14 Apollo’s subsequent search of the warehouse area, he changed behavior when he
 15 approached the Parcel. Apollo stopped, took several deep breaths, and “sat.” This was
 16 an indication to TFO Sturgill that Apollo detected an odor of a controlled substance
 17 emanating from the Parcel.

18 23. Individuals who regularly handle controlled substances often leave the
 19 scent of controlled substances on the box and other packaging materials they handle.
 20 Packaging materials are often stored in close proximity to the controlled substances,
 21 thereby transferring the odor of the controlled substances to the packaging materials.
 22 Controlled substances canines (also called narcotics canines) are trained to alert on these
 23 substances.

24 24. After this positive K-9 alert, Postal Inspectors applied for a warrant to
 25 search the Parcel.

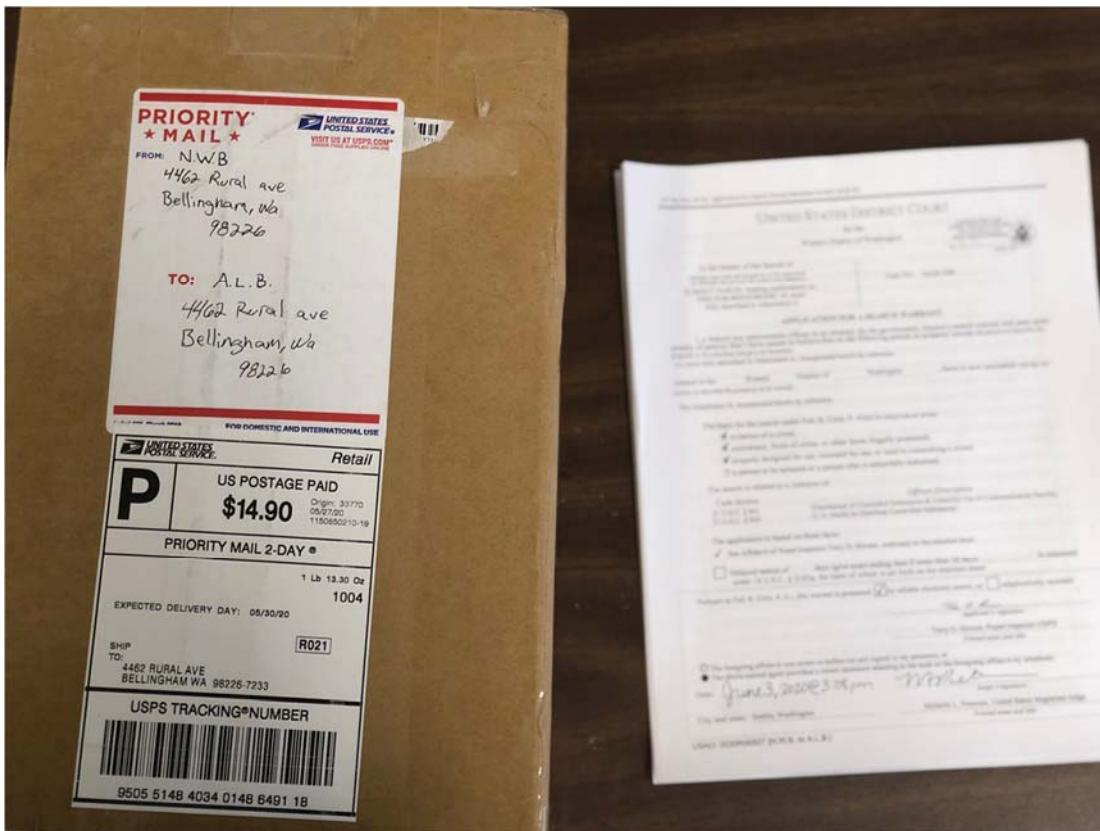
26 //

27

28 //

1 **Search of the Parcel**

2 25. On June 3, 2020, the Honorable Michelle L. Peterson, United States
 3 Magistrate Judge for the Western District of Washington, issued a search warrant,
 4 authorizing the search of this parcel. A photograph of the unopened Parcel and search
 5 warrant is included below.



21 26. After obtaining the search warrant, Postal Inspectors Terry Stinson and
 22 Kimberly Myhrer executed the warrant and opened the Parcel.

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1 27. The Parcel contained a retail box for toaster pastries. Tape had been used
 2 to cover the edges and seams of the box. Photographs of the inner box are included
 3 below.



1 28. Inside the toaster pastry box were multiple stacks of U.S. currency, which
 2 had been folded in half and secured with rubber bands. Photographs of the internal
 3 packaging and the currency are included below.



16 29. The Parcel did not contain any notes, receipts, or instructions. Those who
 17 distribute controlled substances and send the proceeds of that distribution through the
 18 U.S. mail, rarely include in their parcels any explanatory information as to the source or
 19 purpose of the proceeds. Conversely, legitimate business transactions or personal gifts
 20 involving cash or monetary instruments generally contain explanatory notes, letters,
 21 receipts, cards or coupons.

22 30. The currency in the Parcel totaled \$10,800. It was comprised of 8 \$5 bills
 23 (\$40); 7 \$10 bills (\$70); 452 \$20 bills (\$9,040); 19 \$50 bills (\$950); and 7 \$100 bills
 24 (\$700). Those who distribute controlled substances typically use low denomination
 25 currency to conduct their business. For that reason, \$20 bills are the most common bills
 26 found in seizures of controlled substances related currency from the U.S. mail.
 27

1 31. The U.S. Postal Inspection Service seized the Defendant Currency for
 2 administrative forfeiture pursuant to 19 U.S.C. §§ 1607 – 1609, by way of 21 U.S.C.
 3 § 881(d) and 18 U.S.C. § 981(d), on the grounds it constitutes proceeds of the distribution
 4 of controlled substances, or moneys furnished for the purchase of controlled substances,
 5 in violation of 21 U.S.C. §§ 841 and 846.

6 ***Administrative Procedures***

7 32. On or about July 24, 2020, the U.S. Postal Inspection Service sent notice to
 8 all identified potentially interested parties that the currency from the Parcel had been
 9 seized, as required by 18 U.S.C. § 983(a)(1). Those notices included instructions for
 10 petitioning for administrative remission of the currency or filing a claim seeking judicial
 11 process on its forfeitability.

12 33. On August 28, 2020, the U.S. Postal Inspection Service received an
 13 administrative claim to the Defendant Currency from Austin Behnke. In his claim, Mr.
 14 Behnke submitted statements, documents, and a photograph purporting to explain the
 15 source of the currency.

16 34. Mr. Behnke stated that he was unemployed and turned to his family in May
 17 2020 for financial support. He explained that the currency from the Parcel was shipped
 18 to him by his brother, Nikolas Behnke, in payment for 5 gold ingots Austin Behnke had
 19 received from his grandfather (who is now deceased) and sold to his brother. Mr. Behnke
 20 explained that he and his brother have a “rough history” when it comes to money, so his
 21 brother wanted to wait for the gold ingots to arrive before he mailed the payment. Mr.
 22 Behnke included a photograph of 5 gold ingots with his claim.

23 35. On November 3, 2020 and November 10, 2020, counsel for the
 24 United States attempted to communicate with Mr. Behnke by telephone and e-mail about
 25 his claim but was only able to leave messages for him. As of the date of this filing, Mr.
 26 Behnke has not responded to these attempts to communicate with him.

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Further Investigation

36. Review of U.S. Postal Service databases revealed that approximately 33 parcels have been mailed from Largo, Clearwater, and/or Pinellas Park, Florida to 4462 Rural Avenue, Bellingham, Washington 98226 between November 2019 and July 2020. These parcels range from 1 pound to 12.6 pounds. The parcels were all "retail" parcels, meaning they were paid for over the counter. All 33 parcels were either Express or Priority parcels.

37. Review of U.S. Postal Service databases revealed that approximately 33 parcels have been mailed from Washington State to Nikolas Behnke's address in Largo, Florida between November 2019 and July 2020. The average weight of these parcels was 12.82 pounds. The parcels were all "retail" parcels, meaning they were paid for over the counter. All 33 parcels were either Express or Priority parcels.

V. REQUEST FOR RELIEF

As required by Supplemental Rule G(2)(f), the facts set forth in this Verified Complaint support a reasonable belief that the United States will be able to meet its burden of proof at trial. More specifically, there is probable cause to believe that the Defendant Currency is forfeitable pursuant to 21 U.S.C. § 881(a)(6) because it constitutes moneys furnished, or intended to be furnished, in exchange for a controlled substance or proceeds from such an exchange, in violation of 21 U.S.C. §§ 841(a)(1) (distribution of controlled substances) and 846 (attempt or conspiracy to distribute controlled substances).

WHEREFORE, the United States respectfully requests:

1. A warrant issue for the arrest of the Defendant Currency;
2. That due notice be given to all interested parties to appear and show cause why the Defendant Currency should not be forfeited;

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3. The Defendant Currency be forfeited to the United States for disposition according to law; and,
4. For such other and further relief as this Court may deem just and proper.

DATED this 24th day of November, 2020.

Respectfully submitted,

BRIAN T. MORAN
United States Attorney

KRISTA K. BUSH
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101
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Krista.Bush@usdoj.gov

VERIFICATION

I, Terry D. Stinson, am a Postal Inspector with the United States Postal Inspection Service (“USPIS”), assigned to the office located in Tukwila, Washington. I have been a Postal Inspector since June 2019. Prior to my employment with the USPIS, I served as a Coast Guard Investigative Services (CGIS) Special Agent (S/A) for 10 years. During my Coast Guard career, spanning nearly 22 years, I participated in multiple aspects of federal law enforcement within that timeframe. In my official capacity, I investigated violations of federal and state law along with violations of the Uniform Code of Military Justice. My training includes graduating from both the Criminal Investigator Training Program at the Federal Law Enforcement Training Center as well as the Naval Criminal Investigative Service’s Special Agent Basic Training Program. As part of my duties as a CGIS S/A, I investigated drug trafficking organizations and their ability to traffic controlled substances including, but not limited to cocaine, methamphetamine, and heroin globally. I conducted and/or participated in numerous investigations involving allegations including drug smuggling, money laundering, the manufacture of controlled substances, weapons smuggling, and alien smuggling. I have worked, led, and participated in multiple drug trafficking investigations and operations during my career.

As part of my duties as a Postal Inspector, I investigate incidents in which the United States mail system is used for the purpose of transporting illegal materials, including controlled substances such as marijuana, cocaine, methamphetamine, and heroin, as well as proceeds of the sale of controlled substances. I have received specialized training in the investigation of controlled substances in the United States mails, including identifying parcels with characteristics of criminal activity. I have also received training on the identification of controlled substances and interdiction of controlled substances. During the course of my employment with the USPIS, I have participated in criminal investigations involving suspicious parcels and controlled substances.

1 I am an investigating or law enforcement officer of the United States within the
2 meaning of 18 U.S.C. § 2510(7), in that I am empowered by law to conduct
3 investigations and to make arrests for federal offenses. I furnished the investigative facts
4 contained in the foregoing Verified Complaint for Forfeiture *In Rem*. The investigative
5 facts are based on personal knowledge I obtained from my involvement in the underlying
6 investigation, my review of the relevant investigative material, other law enforcement
7 officers involved in the investigation, other reliable official Government sources, and my
8 own training and experience.

9 I hereby verify and declare, under penalty of perjury pursuant to 28 U.S.C. § 1746,
10 that I have read the foregoing Verified Complaint for Forfeiture *In Rem*, that I know its
11 contents, and that the facts it contains are true and correct to the best of my knowledge.

12
13 Executed this 23rd day of November, 2020.
14

15 
16

17 TERRY D. STINSON
18 Postal Inspector
19 United States Postal Inspection Service
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA,

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Krista K. Bush, Assistant United States Attorney
700 Stewart Street, Suite 5220, Seattle, Washington 98101-1271
(206) 553-2242, Facsimile: (206) 553-6934

DEFENDANTS

\$10,800 IN U.S. CURRENCY, AND ANY ACCRUED INTEREST

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 860 Other Statutory Actions
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 891 Agricultural Acts
			<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 861 HIA (1395ff)
				<input type="checkbox"/> 862 Black Lung (923)
				<input type="checkbox"/> 863 DIWC/DIWW (405(g))
				<input type="checkbox"/> 864 SSID Title XVI
				<input type="checkbox"/> 865 RSI (405(g))
				PROPERTY RIGHTS
				<input type="checkbox"/> 820 Copyrights
				<input type="checkbox"/> 830 Patent
				<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
				<input type="checkbox"/> 840 Trademark
				<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016
				SOCIAL SECURITY
				<input type="checkbox"/> 861 HIA (1395ff)
				<input type="checkbox"/> 862 Black Lung (923)
				<input type="checkbox"/> 863 DIWC/DIWW (405(g))
				<input type="checkbox"/> 864 SSID Title XVI
				<input type="checkbox"/> 865 RSI (405(g))
				FEDERAL TAX SUITS
				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
				<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

Click here for: Nature of Suit Code Descriptions.

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

21 U.S.C. § 881(a)(6) for violations of 21 U.S.C. §§ 841(a)(1) and 846.

VI. CAUSE OF ACTION

Brief description of cause: Money furnished or intended to be furnished in exchange for controlled substances or constituting proceeds of such an exchange.

VII. REQUESTED IN COMPLAINT:

<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

11/24/2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. CV20-1742

Plaintiff,

V.

\$10,800 IN U.S. CURRENCY,
AND ANY ACCRUED INTEREST,

WARRANT OF ARREST *IN REM*

Defendant.

TO: UNITED STATES MARSHALS SERVICE,
and/or its duly authorized agents and representatives

WHEREAS, a Verified Complaint for Forfeiture *in Rem* was filed in the above-captioned action on November 24, 2020, in the United States District Court for the Western District of Washington, alleging the Defendant \$10,800 in U.S. Currency and any accrued interest (hereafter “the Defendant Currency”) is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) for violations of 21 U.S.C. §§ 841(a)(1) (distribution of controlled substances) and 846 (attempt or conspiracy to distribute controlled substances); and

WHEREAS, as reflected in the Verified Complaint, the Defendant Currency is in the government's possession, custody, and control;

YOU ARE, THEREFORE, HEREBY COMMANDED, pursuant to Supplemental Rule G(3)(b)(i) of the Federal Rules of Civil Procedure, to arrest and seize the Defendant Currency; and,

YOU ARE FURTHER COMMANDED that, after executing this arrest and seizure, you promptly file a record so reflecting in this Court.

DATED this _____ day of _____, 2020.

WILLIAM M. McCOOL
UNITED STATES DISTRICT COURT CLERK

By: _____
DEPUTY CLERK

Presented by:

KRISTA K. BUSH
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
Telephone: (206) 553-2242
Email: Krista.Bush@usdoj.gov

NOTE: This warrant is issued pursuant to Rule G(3) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure.